

REMARKS

This is a full and timely response to the non-final Official Action mailed **July 21, 2003** (Paper No. 4). Reconsideration of the application in light of the above amendments and the following remarks is respectfully requested.

By the forgoing amendment, the specification and claims have been amended. Additionally, new claims 25-47 have been added. No original claims have been cancelled. However, claims 8-21 and 24 are withdrawn subject to a restriction requirement. Thus, claims 1-7, 22, 23 and 25-47 are currently pending for the Examiner's consideration. Applicant hereby states that the newly added claims are drawn to the elected invention.

The outstanding Office Action objected to informalities in the specification and in Fig. 6. All the informalities noted have been corrected by the foregoing amendments and notice to that effect is respectfully requested.

With regard to the prior art, claims 1 and 2 were rejected under 35 U.S.C. § 102(b) by U.S. Patent No. 5,303,141 to Batchelder, et al. ("Batchelder"). Claims 1, 2, 5 and 22 were rejected under 35 U.S.C. § 102(e) by U.S. Patent No. 6,180,050 to Arai et al. ("Arai"). The other dependent claims that were examined were rejected under § 103 in view of the combined teachings of Batchelder or Arai and other secondary references. For at least the following reasons, these rejections are respectfully traversed.

Claim 1 recites

A method for fabricating an article using photo-activatable building material, comprising the steps of:

depositing a uniform layer of the photo-activatable building material to a preselected surface with an applicator;

scanning the layer using a plurality of light-emitting centers to selectively photo-activate the layer of photo-activatable building material in accordance with fabrication of said article; and

repeating the steps of depositing a uniform the layer, with each layer being applied over an immediately previous layer, and scanning the layer with the plurality of light-emitting centers to selectively photo-activate the building material until the article is fabricated.

Claim 22 recites:

A method for fabricating an article using photo-activatable building material wherein light-emitting diode polymerization is utilized, comprising the steps of:

laying down a uniform layer of photo-activated polymer with a thickness suitable for selective photo-activation;

polymerizing a cross section of the article by selectively exposing the layer of photo-activated polymer to light;

raising an applicator used to lay down said layer of photo-activated polymer; and

repeating laying down layers and polymerizing a cross section of the article in each layer until the article is fabricated.

In contrast, none of the prior art references of record teach or suggest “an applicator” which deposits “a uniform layer of the photo-activatable building material.” Arai teaches a bath of building material in which the article is fabricated. Batchelder teaches depositing and

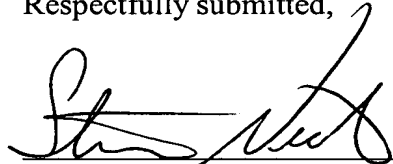
exposing successive drops of material, not a uniform layer which is then selectively photo-activated.

"A claim is anticipated [under 35 U.S.C. § 102] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). See M.P.E.P. § 2131. For at least this reason, the rejections of claims 1-7, 22 and 23 should be reconsidered and withdrawn.

Additionally, the newly added claims are thought to recite subject matter which is neither taught nor suggested by the prior art of record. For example, new independent claims 26 and 34 recite automatic transport by an automatic transport system for an article being fabricated. New independent claim 35 recites the use of a modified print cartridge, separate from a building material applicator, to form the device for selectively exposing the photo-activatable building material to light. These features are not taught or suggested by the prior art presently of record. Therefore, an examination and allowance of the newly added claims is respectfully requested.

For the foregoing reasons, the present application is thought to be clearly in condition for allowance. Accordingly, favorable reconsideration of the application in light of these remarks is courteously solicited. If the Examiner has any comments or suggestions which could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the number listed below.

Respectfully submitted,



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DATE: 21 October 2003

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